



October 11, 2023

**VIA ECF**

Hon. Lawrence VanDyke  
Hon. Kenneth K. Lee  
Hon. N. Randy Smith  
Ninth Circuit Court of Appeals  
125 South Grand Avenue  
Pasadena, CA 91105

Re: *Baird v. Bonta*  
23-15016

Your Honors,

I represent the plaintiffs-appellants ("Appellants") in the above-referenced matter.

By Opinion dated September 7, 2023, this Court reversed and remanded the district court's (Mueller, J.) denial of Appellants' motion for a preliminary injunction for failing to apply the proper preliminary injunction standard for a case raising a constitutional challenge. Specifically, the district court abused its discretion by declining to assess Appellants' likelihood of success on the merits of their Second Amendment claim.

The district court was "instructed to complete its reevaluation of the requested preliminary injunction and issue a decision expeditiously", as this case has been "ongoing for more than four years."

The Court may recall that the State's opposition to Appellants' preliminary injunction motion contained no historical evidence. The State relied solely on public safety anecdotes to justify its regulations, which should have resulted in a prompt decision from the district court upon remand in light of the test announced in *NYSRPA v. Bruen*, 142 S.Ct. 2111 (2022).

Thirty-five days have passed since this Court's instruction to the district court, yet no decision has been rendered.

The parties are also in the midst of briefing their respective motions for summary judgment; the return date is November 3, 2023. Appellants posit that the district court may delay determination of the preliminary injunction motion until the summary judgment motions are fully submitted and/or decided. Appellants further believe that the district court may search for information outside of the four-corners of the preliminary injunction motion to reach its decision.

Appellants respectfully request that this Court issue further instructions to the district court accordingly.

Thank you for your attention and consideration.

Respectfully,

*Amy L. Bellantoni*  
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